

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDIA TEK INC.,

Plaintiff,

vs.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Case No.: 11-cv-5341 YGR

**ORDER DENYING FREESCALE'S MOTION
FOR LEAVE TO FILE A REPLY (DKT. NO.
508)**

Defendant Freescale Semiconductor, Inc. ("Freescale") brings this Motion to Strike or for Leave to File a Reply. (Dkt. No. 508.) Freescale moves to strike certain portions of MediaTek's Opposition To Freescale's Brief Regarding Admissibility Of Certain Exhibits (Opposition), Docket No. 496-5, or, in the alternative, for leave to file a reply. Specifically, Defendant Freescale moves the Court to strike portions of MediaTek's Opposition at 1:5-12 and 1:19-6:5, Dkt. No. 496-5, containing untimely objections and arguments.

First, Freescale argues that MediaTek's objections to Freescale's licenses on the ground of relevance are untimely and filed in contravention of this Court's pretrial orders. Essentially Freescale contends that, because MediaTek's objections were phrased as "beyond the scope of the expert reports" and "lacking a proper sponsoring witness," it waived relevance, and particularly the issue of comparability of the licenses, such that it cannot raise such an objection now.

The motion is **DENIED** on these grounds. The grounds for objection were sufficiently raised by MediaTek both in writing and in the argument on the record. (*See* Dkt. No. 491 [Transcript of March 7, 2014 Pretrial Conference] at 78-81.)

Second, Freescale argues that MediaTek improperly included additional argument in its Opposition on the PTX-547 "Crown Jewels" document. The reference to that document as part of MediaTek's opposition brief was made in the context of discussion of the admissibility of the license

1 agreements and not on the admissibility of the “Crown Jewels” document itself. The motion to strike
2 the reference is **DENIED**.

3 Freescale’s request, in the alternative, to file an additional reply is **DENIED**. The Court
4 permitted each side to file one additional brief on the admissibility issues of certain exhibits, as
5 stated on the record. Freescale has not established good cause to permit any additional briefing.
6 Should the Court find that it needs the parties to submit anything additional on these issues, it will so
7 notify them.

8 This Order terminates Docket No. 508.

9 **IT IS SO ORDERED.**

10 Dated: June 23, 2014

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13 YVONNE GONZALEZ ROGERS
14 UNITED STATES DISTRICT COURT JUDGE
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United States District Court

Northern District of California